

**Summary of the September 2010 Meeting of the
Atlantic Highly Migratory Species Advisory Panel**

September 21-23, 2010
Highly Migratory Species Management Division
National Marine Fisheries Service
Silver Spring, MD

This document is a summary of what was heard by the Agency at the September 2010 Advisory Panel meeting in Silver Spring, MD. This document is **not** meant to indicate any consensus by the Advisory Panel or decisions by the Agency or to be a verbatim transcript. Unless specifically indicated, comments were **not** made by NMFS staff and do not represent the Agency's position on any issues. Copies of this document as well as all presentations made during the meeting are available upon request on the Agency webpage (http://www.nmfs.noaa.gov/sfa/hms/Advisory%20Panels/Advisory_Panel.htm). Transcripts of the meeting are also available on the same webpage.

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2.0 AGENDA

**Highly Migratory Species Advisory Panel Meeting
September 21-23, 2010
Crown Plaza Hotel, Silver Spring, MD
Draft Agenda**

Tuesday, September 21, 2010

- | | |
|----------|--|
| 9:00 am | Welcome, Introductions, & Agenda adoption |
| 9:30 am | Overview of recent activities and upcoming actions/issues |
| 10:00 am | Introduction of Russell Smith, Deputy Assistant Secretary for International Fisheries |
| 10:15 am | Break |
| 10:30 am | Gulf of Mexico issues update, including Deepwater Horizon/BP oil spill and weak hook research updates |
| 11:30 am | Enforcement update |
| 12 noon | Lunch |
| 1:30 pm | Bluefin tuna Endangered Species Act Petition presentation |
| 2:00 pm | Working Group Introduction: Recreational Monitoring & Vessel Monitoring Systems |
| 2:05 pm | RECREATIONAL MONITORING WORKING GROUP convenes (CONCURRENT) <ul style="list-style-type: none">• Government Detailed Presentations<ul style="list-style-type: none">○ Review of other monitoring programs○ Large Pelagic Survey options• Discussion |
| 2:10 pm | VESSEL MONITORING SYSTEMS WORKING GROUP convenes (CONCURRENT) <ul style="list-style-type: none">• Government detailed presentation• Discussion |
| 3:15 pm | Break (as needed) |

- 4:00 pm Working Group Report Outs and AP group discussion
 - Recreational Monitoring Working Group
 - Vessel Monitoring Systems Working Group
- 5:00 pm Public Comment
- 5:15 pm Adjourn

Wednesday, September 22, 2010

- 8:30 am Swordfish Revitalization and Bycatch Reduction - Putting the Pieces Together
- 9:00 am Swordfish Revitalization Issues
 - Squid trawl permitting, limited access permit renewal issues, vessel upgrade restriction issues, and other issues
- 10:00 am Break
- 10:15 am Increasing Fishery Flexibility through Further Reduction of Bycatch and Exploring Monitoring Technologies
- 12:00 pm Lunch
- 1:30 pm Future of the Shark Fishery presentation
- 2:15 pm Public Comment
- 2:30 pm Working Group Introduction: Sharks & Bluefin tuna
- 2:35 pm SHARK WORKING GROUP convenes (CONCURRENT)
 - Government detailed presentation review
 - Discussion
- 2:35 pm BLUEFIN TUNA WORKING GROUP convenes (CONCURRENT)
 - Government detailed presentation
 - 2010 bluefin tuna fishery to date review
 - 2011 fishery considerations
 - Discussion
- 3:30 pm Break (as needed)
- 5:00 pm Adjourn
- 6:30 pm Shark 2011 Specifications Proposed Rule Public Hearing

Thursday, September 23, 2010

- 8:30 am Working Group Report Outs and AP group discussion
- Shark Working Group
 - Bluefin tuna Working Group
- 9:30 am Update on Protected Species Handling & Release & Shark Identification Workshops
- 10:15 am Break
- 10:30 am Update on HMS Research Plan Development
- 11:00 am National Policy for the Stewardship of the Ocean, Coasts, and Great Lakes presentation
- 11:30 am Public Comment
- 11:45 pm HMS Advisory Panel priorities & next steps
- 12:30 pm Adjourn

3.0 ADVISORY PANEL (AP) PARTICIPANTS SEPTEMBER 2010

| Last Name | First Name | Affiliation |
|------------------|-------------------|---|
| Adriance | Jason | Louisiana Department of Wildlife and Fisheries |
| Allan | Jeff | Proxy for James Williams, Williams Leininger and Cosby P.A., Coastal Conservation Association |
| Augustine | Pat | Mid-Atlantic Fishery Management Council |
| Belcher | Carolyn | Georgia Department of Natural Resources |
| Bellevance | Rick | Rhode Island Party and Charter Boat Association |
| Boustany | Andre, Dr. | Nicholas School of Environment & Earth Sciences, Duke University |
| Camhi | Merry | Proxy for Sonja Fordham, Shark International Alliance |
| Coddington | Ronald | Southeast Swordfish Club |
| Delaney | Glenn | Independent Consultant for Commercial Fishermen |
| DePersia | Thomas | President, Stellwagen Bank Charter Boat Assoc. |
| Fisher | Myron | Different Drummer Charters |
| Gerencer | William | Marine Trade Center |
| Graves | John, Dr. | Virginia Institute of Marine Science |

| | | |
|--------------|-------------|---|
| Gregg | Lisa | Florida Fish and Wildlife Commission |
| Gregory | Randy | North Carolina Division of Marine Fisheries |
| Hemilright | Dewey | F/V Tar Baby |
| Hinman | Ken | National Coalition for Marine Conservation |
| Hudson | Russell | Directed Shark Fisheries, Inc. |
| Hueter | Robert, Dr. | Mote Marine Laboratory Center for Shark Research |
| James | Steven | Boston Big Game Fishing Club |
| Johnson | Gail | F/V Seneca |
| Lingo | Mark | Texas Parks and Wildlife Department |
| Loefer | Josh | South Carolina Department of Natural Resources |
| McKeon | Sean | North Carolina Fisheries Association |
| Miller | Shana | Tag-A-Giant Foundation |
| Montella | Vince | American Bluefin Tuna Association |
| Palmer | Tim | (F/V Blue Baron) and Swordfish Buoy Gear Association |
| Pineiro | Eugenio | Caribbean Fishery Management Council |
| Pratt | Ralph | Commercial Sector |
| Ruais | Richard | American Bluefin Tuna Association and Blue Water Fishermens Association |
| Sampson | Mark | Ocean City Charterboat Captains Association |
| Sapp | Ed | Gulf of Mexico Fishery Management Council |
| Schratwieser | Jason | International Game Fish Association |
| Stiles | Margot | Proxy for Elizabeth Griffin Wilson, Oceana |
| Stone | Richard | National Marine Manufacturers Association |
| Webber | Rick | South Jersey Marina |
| Weiner | Christopher | Commercial Sector |
| Whitaker | Rom | Hatteras Harbor Charter Boats |

| Public/Staff Attending September 2010 HMS AP Meeting | | |
|---|-------------------|-------------------------------|
| Last Name | First Name | Affiliation |
| Blankinship | Randy | NMFS |
| Barelli | Patrick | USCG |
| Bergmann | Charlie | NMFS |
| Boehm | Pete | Shark Fisherman |
| Brewster-Geisz | Karyl | NMFS |
| Cockrell | Craig | NMFS |
| Cooper | Peter | NMFS |
| Desfosse | Joe | NMFS |
| Diaz | Guillermo | NMFS |
| Dick | Shawn | Angler Conservation Education |
| Dragoonis | Katie | NMFS |

| | | |
|----------------|-------------|---|
| DuBeck | Guy | NMFS |
| Dunn | Russell | NMFS |
| Durkee | Steve | NMFS |
| Fairclough | Greg | NMFS |
| Foster | Daniel | NMFS |
| Hathaway | Julia | Committee on Natural Resources, U.S. House of Representatives |
| Hogan | LeAnn | NMFS |
| Kennedy | Carrie | Maryland Department of Natural Resources |
| Kiraly | Sari | Independent Contractor, Public |
| Knapp | Robert | Shark Fisherman |
| Lent | Rebecca | NMFS |
| Locke | Charles | Shark Fisherman |
| McHale | Brad | NMFS |
| McLaughlin | Sarah | NMFS |
| Menashes | Emily | NMFS |
| Miller | Kerrilyn | PEW Charitable Trust |
| Moore | Katie | USCG |
| Morgan | Ron | Hi-Liner Fishing Gear |
| Murray-Brown | Mark | NMFS |
| Nery | Mara | Oceana |
| Parker | Brian | NMFS |
| Pearson | Rick | NMFS |
| Pennington | Kelly | Senate Commerce Committee |
| Radonski | Jeff | NMFS |
| Reghi | John | NMFS |
| Roho | Christopher | Shark Fisherman |
| Salz | Ron | NMFS |
| Schulze-Haugen | Margo | NMFS |
| Sander | Eric | Shark Identification Workshops Coordinator |
| Silva | George | NMFS |
| Smith | Russell | Deputy Assistant Secretary for International Fisheries |
| Stannard | Jeron | NMFS |
| Stephan | Dianne | NMFS |
| Stiller | Bruce | Shark Fisherman |
| Stiller | David | Shark Fisherman |
| Tabisz | Jennifer | NMFS |
| Twinam | Mark | Shark Fisherman |
| Vaeth | Scott | Shark Fisherman |
| Walline | Megan | NOAA GC |
| Wilson | Jackie | NMFS |

4.0 OVERVIEW OF HMS ACTIONS

Margo Schulze-Haugen, Chief, HMS Management Division, presented the current actions and their status within the Division since the last AP meeting in May of 2010. This presentation also included updates on the BP Deepwater Horizon oil spill emergency fishery closure, Shark Amendment 3, the ANPR on Amendment 4 to the HMS Consolidated FMP (Caribbean Amendment 4), 2010 Shark Season Rule, 2010 Swordfish Specifications, 2010 Bluefin Tuna (BFT) specifications, HMS Advanced Notice of Proposed Rulemaking (ANPR) on the Future of the Atlantic Shark Fishery and BFT quota maximization methods, recreational swordfish and billfish issues, Pelagic longline (PLL) closed area research, and international issues. Her comments were followed by a brief introduction from Russell Smith on his new position as the Deputy Assistant Secretary for International Fisheries. Comments from the AP included:

Swordfish comments

- NMFS needs to remember that if the United States is too slow in revitalizing the swordfish fishery, it is likely that countries that do not share our concern for bycatch will receive our quota share and those swordfish will end up in the U.S. market. This will put further hardship on our fleet, decrease our catch, increase bycatch, and increase calls for the United States to give up more quota.
- The U.S. delegation must maintain that the swordfish quota belongs to the United States and is not for unilateral disbursement to other countries.
- NMFS needs to remember two of the issues that have been at the top of the agenda for commercial fishermen: more fishing grounds and marketing assistance.
- To fully catch the directed swordfish quota, we need to land 37 percent more and 66 percent more if you include the underharvests. NMFS needs to concentrate on those numbers so we can discuss more meaningful revitalization issues.
- NMFS needs to use the two mandates in the Marine Mammal Protection Act (MMPA) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) on using trade restrictions to ensure that there are comparable ecosystem-based management measures applied to anyone who wants to access the U.S. market.
- Having specific comparable standards is one of the biggest hindrances to revitalizing the swordfish fishery. NMFS needs to adopt and implement a petition from the Center for Biological Diversity regarding comparable standards.
- It seems that NMFS is going to determine in favor of ESA listing for nine distinct segments of loggerheads. This determination could impact revitalizing the fishery.

BFT comments

- NMFS should publically release data on BFT larval studies and the oil spill in the near term rather than withholding it due to legal proceedings related to the Deepwater Horizon/BP oil spill.
- I am interested to find out more about the modernization of BFT trade tracking, and more specifically, what it is and what is happening with it.

Research comments

- The closed area research should have completed the original 145 sets in each of the open and closed areas rather than 80 sets in the open and 105 sets in the closed area. A lot of important data will be missed, especially since 145 sets were determined in the beginning as the scientifically appropriate sampling size.
- I am interested in the Greenstick research and would like to know what future plans NMFS has for the research and what NMFS has found so far.

5.0 GULF OF MEXICO ISSUES UPDATE, INCLUDING DEEPWATER HORIZON/BP OIL SPILL AND WEAK HOOK RESEARCH UPDATES

Randy Blankinship and Jackie Wilson from the HMS Management Division presented an update on Gulf of Mexico issues, specifically the BP Deepwater Horizon oil spill emergency fishery closure and research and weak hook research.

Comments from the AP included:

Gulf of Mexico oil spill updates

- Sampling needs to continue not only on large pelagic species, but also on their food sources.
- NMFS needs to determine and provide information on whether dispersants are a problem, especially in the food chain.
- What is the status of the Gulf of Mexico (Navy) restoration plan, and is there Sargassum research taking place?
- Louisiana will have a three year intensive research program, which will include larval work. NMFS needs to include sampling in near shore Louisiana.
- NOAA's seafood safety testing has been a great success. Having contaminated seafood enter the market would have been devastating.

Weak Hook research updates

- I support the weak hook research in the Gulf of Mexico and want to advance similar technology in the waters off North Carolina for protecting marine mammals.
- The researchers need to examine each individual vessel to find out how they are fishing since vessel #2 is doing something right and vessel #4 is doing something wrong. There may be techniques that the vessels with good results are using that could be expanded to improve the use of weak hooks throughout the fishery.
- Is the material for the weak hooks different or is it the same material and a different gauge?
- The research needs to use hook timers to determine how long fish are on the line.
- The researchers need to share information on the number of blue and white marlin interactions.
- How does the research conduct testing of hook loads?
- The research needs to provide information on whether BFT tuna can be caught on a straightened hook.
- Is Mustad the only weak hook manufacturer?

- The mainline has a lot to do with what happens. The hook needs to catch on a knot in the mainline in order to stop the hook and provide the resistance that would straighten the hook.
- The research needs to consider the distance between hooks.

6.0 ENFORCEMENT UPDATE

Jeff Radonski, Special Agent, NOAA Fisheries Office of Law Enforcement (OLE), Patrick Barelli, Lieutenant Commander, and Ms. Katie Moore, U.S. Coast Guard (USCG) gave an overview presentation of enforcement actions involving HMS. Comments from the AP included:

- Most of the enforcement actions taken are after the fact. There is a lot on OLE's plate, anything from coral to visiting fish houses. The AP member noted that they are on the water all of the time and the USCG does not board vessels or look for fish if you get stopped. OLE should consider putting an agent on the USCG or customs boats just as the Navy carries USCG agents.
- OLE should consider fostering interactions between agencies to get more violations on the water.
- There is concern regarding the Inspector General's (IG) report on OLE, the black eye it has given the agency, and at the perceived amount of corruption in OLE.
- There is concern over the Administrative Law Judge's USCG salary, which an AP member heard, is 40-60 percent of the amount of fines they impose.
- The IG report describes how the OLE interviews felt like criminal interrogations for civil violations. Will this result in job title changes for special agents in OLE?
- OLE should consider small-scale outreach and enforcement for reported cases of sand tigers caught in Delaware Bay. The sand tigers caught there were finned alive and discarded at sea.
- OLE should get the word out about the IG report. One or two cases spread like wildfire across the message boards. As a Charter Head Boat (CHB) captain, there are many illegal CHB operations going on and we need a level playing field. The commenter was interested in working with OLE to get a handle on the problem.
- OLE should consider the importance of outreach in the BFT recreational fishery. In this fishery, there is an underreporting issue and enforcement is the only way to get compliance. There is 80 percent non-compliance in the BFT fishery. OLE should consider the detrimental effects to the BFT recreational fishery (*i.e.*, 200-300 percent over quota) due to underreporting.

7.0 BLUEFIN TUNA ENDANGERED SPECIES ACT (ESA) PETITION PRESENTATION

Kim Damon-Randall of the Protected Resources Division (PRD) gave a presentation to discuss the ESA petition process for BFT. This presentation included an overview on the petition process to list a species under the ESA, outlines the Center for Biological Diversity's (CBD) petition under the ESA to list Atlantic BFT, and NMFS's next steps in making a final determination. Comments from the AP included:

- How does the review panel get chosen and what types of experts are used as peer reviewers?
- Who makes the final decision?
- What type of information will NMFS accept over the next 90 days?
- What means/process do you have to collect commercial and scientific information? Is it public comment?
- NMFS needs to clarify the impacts on the prohibition of all bycatch if BFT were to be listed.
- What would happen, in terms of the Species of Concern (SOC) listing, to BFT if it was determined they should not be listed under ESA? What kind of protection would a SOC listing offer?
- Would BFT stay as a candidate species if it was not found to be endangered / threatened?
- In terms of the status review, is it done on a species level or on a distinct population segment (DPS) level, and can they be separated?
- Can different DPS have different findings/determinations?
- An ESA listing for western BFT will not cut global catch as other countries would take and utilize the 900 mt of freed up U.S. quota.
- How would ESA define the eastern and western BFT stocks and the amount of mixing between stocks?
- NMFS does not realize that if there were a positive finding for western BFT, \$700 million of economic activity is gone.
- ESA does not recognize economic impact.
- Canada's ESA-like process considers the human element.
- An ESA listing will not protect BFT since the U.S. quota would be re-allocated to other countries.
- An ESA listing is very powerful and would be devastating.
- I have seen more BFT this year than in the past 20 years and am surprised that NMFS is considering whether the species is endangered.
- NMFS needs to stop overfishing at the international level. We are seeing lots of BFT in the Northeast. There is no overfishing here, but elsewhere.
- NMFS should be able to find the money in order to find experts that can do it right.
- It is ironic that NMFS is not allowed to take into consideration economics, but how the review is done is based on NMFS' economics.
- NMFS needs to consider how an ESA listing would help the status of BFT.
- In the 2002 white marlin ESA review, the Biological Review Team (BRT) used outside membership to NOAA. Why is that no longer the case?

8.0 RECREATIONAL MONITORING WORKING GROUP (CONCURRENT)

Margo Schulze-Haugen, Chief HMS Management Division, and Dr. Ron Salz from the Office of Science and Technology presented an overview on current HMS recreational data collection programs and efforts to expand HMS data collection programs to meet

management/assessment needs. Based on the presentation and the Working Groups' subsequent discussions, participants summarized their perspectives around five questions:

Recreational Monitoring Working Group Summary:

- **What are the key aspects of HMS fisheries that would need to be considered in any new/revised program?**
 - Focus information gathering on essential information. Keep it simple. Fewer questions are better than more.
 - Consider regional variation in fisheries (e.g., BFT vs. swordfish; swordfish fishery changed over time; overlap of participants/species).
 - Emphasize timeliness (especially if quota limited). Use call-in in association with tag system.
 - Think about how to incentivize compliance.
 - Recognize that distribution/allocation of tags is a challenge to be addressed in quota-limited situation; consider geographic and temporal distribution of fishery; charter/private boats.
 - Take account of costs (start-up/annual).
- **What are the key aspects of other programs?**
 - Current BFT census programs do not correspond directly to information used to trigger closures. Incentivizes compliance. Fear of data use for closure disincentivizes compliance.
 - Tags are simple to use. Increases enforceability. Use of tags engenders importance of stock management.
 - Many programs run by *states* (issuing cards/tags, collecting info, enforced)
- **Are other programs appropriate models for HMS fisheries?**
 - Some programs have elements that may be attractive models. It is not a one-size-fits-all situation.
- **Would changes apply to all HMS recreational monitoring? Would it be just some HMS? Which ones?**
 - Focus on BFT at first. Maybe swordfish in Florida.
 - Recognize it is not one-size-fits-all.
- **Is there interest in pursuing changes?**
 - Yes, taking into account the considerations above.
 - Agency should share what information must be collected and what is essential. Then states and constituents can work on design of program.

9.0 VESSEL MONITORING SYSTEMS (VMS) WORKING GROUP (CONCURRENT)

Pat O'Shaughnessy, NMFS OLE VMS Program, gave a presentation to follow-up and expand upon possible changes to existing HMS VMS regulations since the last AP

meeting in May of 2010. This presentation included an overview of VMS purposes and operations, HMS VMS requirements, concerns with present HMS VMS upgrade requirements, and potential options to address concerns. Comments from the AP included:

VMS Working Group Summary:

- Recommendations by VMS staff have promise.
 - Older units are failing and proposal would provide a way for reimbursement for newer, more reliable units.
 - Newer units could be used for more needs beyond enforcement (i.e., self management).
- But some concerns and recommendations for consideration:
 - NMFS needs to reach out to fishermen regarding potential changes and costs before pursuing rulemaking; possible regional workshops.
 - NMFS needs to consider increased operation and installation costs as well as reliability and enforcement concerns.
 - NMFS needs to make good use of increased, real time data collection.
 - NMFS needs to consider cost-savings such as cutting down on transmission rates.
 - There are concerns about potential additional reporting requirements (i.e., electronic reporting forms).
 - Have NOAA pay for installation or let vessel owners install and have certified electricians check installation.
 - NMFS should consider a voucher for the reimbursement, so that replacements can be done in the future.
- Other Discussion Highlights:
 - Concerns about coordination between USCG and VMS seem to have been resolved.

Comments on report-out of VMS issues:

- NMFS should consider the option of allowing VMS installation by fishermen instead of professional installation.
- NMFS should consider having periodic inspection of installations in order to keep the VMS systems running effectively.
- What access does joint enforcement partners have to VMS data and do these agreements vary among states?

10.0 SWORDFISH REVITALIZATION AND BYCATCH REDUCTION – PUTTING THE PIECES TOGETHER

Randy Blankinship and Rick A. Pearson of the HMS Management Division gave a presentation on the swordfish fishery revitalization efforts (recent history, accomplishments, and challenges) and ways to utilize incentives and performance standards to reduce bycatch in the fishery. This presentation considered permit renewal and re-issuance of expired permits, relieving upgrade restrictions, permit leasing, and

permitting for swordfish retention in squid trawls. Below is a summary of the primary themes and issues discussed. Comments from the AP included:

Swordfish revitalization

- NMFS should be aware that very few individuals will want to invest in swordfishing with the potential for BFT and turtles to be listed.
- NMFS needs to make greater efforts of spreading the word that the swordfish stock is rebuilt, otherwise the United States will lose its swordfish quota at the International Commission for the Conservation of Atlantic Tunas (ICCAT).
- NMFS needs to look at the comprehensive swordfish revitalization package.
- NMFS should put more emphasis on reissuing permits than in upgrading vessels.
- NMFS should be concerned with the status of some of the shark species when considering a bycatch permit as some shark species are in dire straits.
- NMFS should consider a bycatch permit that includes other species aside from the ones already listed.
- Is it NMFS' responsibility to promote swordfish?
- Non-government organizations (NGOs) do not want to see the U.S. swordfish quota go to other countries.
- NMFS should consider anything that allows for increased swordfish landings and reduced bycatch.
- NMFS should consider a social or economic study to examine the impacts of a bycatch permit.
- NMFS should look at the impacts of permitting squid trawl fishermen to retain swordfish and the PLL fishery as a new HMS bycatch permit might create competition between the squid trawl and PLL fisheries.
- NMFS should consider ways to allow for the retention or exemption of legal size swordfish in the squid trawl fishery as it will provide an opportunity for U.S. fishermen to land the ICCAT recommended U.S. swordfish quota.
- NMFS should determine if individuals in the squid trawl fishery hold both an *Illex* and *Loligo* moratorium permits and what is the level of observer coverage on both fisheries.
- NMFS needs to consider market dynamics, including the impacts of imported swordfish into U.S. markets, in the swordfish revitalization plan.
- As long as squid trawling vessels are staying within the incidental category quotas, NMFS should pursue an incidental retention permit in the squid trawl fishery.
- NMFS should be aware that allowing dead discards or retention of swordfish to be converted into landings in the squid trawl fishery will not make a difference on the status of the U.S. swordfish quota.
- NMFS should consider underreporting of swordfish bycatch.
- NMFS should consider ways to allow for PLL fishermen to harvest the U.S. swordfish quota.
- NMFS should make regulatory actions and the market environment the centerpiece of this swordfish revitalization effort.

- NMFS should consider the impact a free swordfish bycatch permit will have on those fishermen who have purchased an HMS triple-pack permit.
- NMFS should consider ways to retain incidental level of swordfish in the squid trawl fishery as long as trawl effort does not increase.
- NMFS needs to modify access to closed areas.
- NMFS needs to consider how the new bycatch permit would improve reporting.
- NMFS needs to allow for retention of swordfish that would otherwise be discarded dead.
- NMFS should be aware that trawl fishermen will rarely encounter swordfish and any catch will be at incidental levels.
- NMFS should consider a complex bycatch permit to include other fisheries that may or may not have HMS interactions.
- NMFS should consider turning incidental permits into handgear permits.
- NMFS should consider a socio-economic study to see how to achieve a fishery that operates at its optimum yield.
- NMFS should be aware that there are approximately 25 to 35 *Illex* trawl fishermen that fish between the months of May and September.
- NMFS will have to clarify the trawl gear as a bottom not mid-water trawl. These efforts will be a tremendous benefit to Rhode Island, New York, and New Jersey fishermen.

Swordfish marketing

- NMFS needs to make changes to the brochure and include the country of origin for swordfish product.
- NMFS needs to highlight swordfish sustainability on the “FishWatch” website.
- NMFS should focus the swordfish fishery campaign on the possibility of U.S. losing its swordfish quota to other countries at ICCAT.
- NMFS needs to take on marketing responsibilities for other HMS.
- NMFS needs to put out palatable products that people want to eat and leverage food networks to encourage product.
- NMFS needs to emphasize the recovery of the U.S. swordfish stock.
- NMFS needs to address the perceptions of high mercury levels in swordfish, so that the Food and Drug Administration may re-evaluate the guidelines for mercury in swordfish.
- NMFS needs to inform the public on the benefits of selenium concentrations in swordfish.
- With the Marine Mammal Protection Act import restriction laws, NMFS needs to work with other countries on their bycatch measures.
- NMFS should hold a forum with companies and industries that are interested in learning about sustainability in relation to the mission of revitalizing the swordfish fishery.
- NMFS needs to consider the needs of the recreational fishery when considering swordfish revitalization measures.
- NMFS needs to look at a marketing campaign that increases profits for swordfishing.

- NMFS needs to work with the managers of small markets in order to establish country of origin labeling for all swordfish product.

Permits for renewal and upgrade restrictions

- NMFS should consider upgrades that are across the board, specifically on tonnage and length requirements.
- NMFS needs to consider using a “Use it or lose it” policy when it comes to the swordfish fishery quota.
- NMFS needs to eliminate latent effort in the swordfish fishery.
- NMFS needs to embrace cleaner fishing gear such as buoy gear.
- NMFS should take into consideration exempting Florida from any upgrade restrictions.
- NMFS should be considering seafood traceability as mislabeled products are an issue in the swordfish fishery.
- Do swordfish handgear permit holders pay for these permits?
- NMFS should consider ways to increase the value directed swordfish permits.
- NMFS needs to relieve upgrades, so fishermen can compete with international fleets and increase their swordfish catch.
- NMFS should consider reducing the legal risk associated with leasing permits.
- Why has NMFS continued with the vessel and permitting restrictions in the PLL swordfish fishery?
- NMFS should be aware that the general category handgear permit is not going to fill the gap in uncaught U.S. swordfish quota.
- NMFS should consider upgrade for freezer vessels.
- NMFS should be aware that any issue relating to upgrade restrictions is tied to how fishermen swordfish and where fishermen want to carry out their fishing practices.
- What can we do in the short-term to increase swordfish catch?
- NMFS needs to do determine the cause for expired permits before going forth with any new policies.

Bycatch reduction

- Who bears the cost of bycatch reduction and is it ongoing?
- NMFS should consider breaking down incentive-based bycatch allocations by region.
- NMFS needs to prevent fishing closure to distant water fishermen when the Gulf of Mexico fishermen exceed the bycatch quota.
- NMFS needs to consider that in VMS there are two components to maintain while electronic monitoring has nine components.
- Who will clean the cameras every day?
- Where are the camera’s blind spots?
- How will fish be identified and measured with this new electronic monitoring (EM) system?
- NMFS needs to be aware that fishermen cannot afford EM.

- NMFS needs to be aware that fishermen would need to clean the lenses approximately every half hour.
- NMFS should consider workshops that certify individuals to operate and maintain the EM system.
- NMFS needs to set an initial allocation of individual bycatch could disadvantage some vessels that have proximity to productive fishing grounds with high bycatch levels.
- NMFS needs to consider the privacy rights associated with the use of cameras on fishing vessels.
- How much bycatch are recreational fishermen allowed?
- NMFS needs to determine if the agency wants a low or high maintenance fishery before setting bycatch caps.
- NMFS should consider a pilot or experimental program to test EM.
- EM should not be a replacement for observers.
- Does NMFS have any information on how a small boat with 12-volt system can use EM?
- NMFS should consider reimbursing fishermen's monthly fee for the EM system.
- NMFS should let ICCAT handle the EM system.
- How would an EM system work on a small boat?
- NMFS should provide greater access to the closed areas to those individuals volunteering to have the EM system.
- NMFS needs to consider the potential costs to fishermen associated with the EM system.

Other swordfish issues

- NMFS should not consider a general category permit in Florida as the state is saturated with swordfish vessels.
- NMFS should consider taking horsepower and length-over-all restrictions off the buoy boats.
- NMFS needs to exempt Florida from the upgrade restrictions.
- NMFS should consider equity in their policies.

11.0 HMS ANPR RULE – FUTURE OF THE SHARK FISHERY

Karyl Brewster-Geisz of the HMS Management Division gave a presentation on the current issues affecting the Atlantic shark fishery and a list of potential long and short-term actions the agency is considering to address ongoing shark fishery management concerns including, changes to the permit and quota structure, catch shares, and sectors. Comments from the AP included:

Comments on ANPR presentation

- Has there been any interest in sectors?
- How much traction will catch shares get at this stage?

- NMFS should be able to do catch shares in less than five years as time constraints should not be an obstacle.
- NMFS needs to carry out regulatory amendments in less than a year.
- NOAA should be a leader in the international arena. International management is still very important.
- NMFS has to rein in what is being caught in state waters.
- It appears that the HMS Management Division is not under the same time constraints as GMFMC for acceptable biological catch, over-fishing limits, and allowable catch limits, etc.

12.0 SHARK WORKING GROUP (Concurrent with BFT session)

Karyl Brewster-Geisz of the HMS Management Division led the discussion on potential management options for the Atlantic shark fishery. Based on the presentation and the Working Groups' subsequent discussion, participants summarized their comments surrounding the three potential management options for the Atlantic shark fishery: catch shares / sectors, quota structure changes, and permit structure changes (i.e., permit stacking). Comments from the AP included:

Catch Shares Summary

Support of Catch shares

- Seen as a longer term solution; consider permit stacking in short term.
- Agree there would be allocation issues; fishermen would need a template of allocation.
- State and recreational allocation schemes need to be considered.
- Consider transfer requirement and limits on number of shares/vessel.
- Ultimately catch shares could be good for stocks.
- Consider allowing retention of all dead sharks if observer on board.

Dissent for catch shares

- Allocation will ultimately disenfranchise fishermen.
- There is a sharecropper concern.
- Could exacerbate race for the fish.

Other considerations

- NMFS should take catch share money and buy out willing permit holders; this would reduce effort in the fishery.
- NMFS should allow permit stacking.
- Only options discussed were state sectors and IFQs.
- Referendum among stakeholders on willingness needed to move forward.

Quota Structure Summary:

- Continue to move towards individual species quotas; do not regress back towards larger species complex.

- Study productivity and economic return on each species and begin to actively guide fishery to those sustainable species rather than allowing for broader targeting.
 - LCS (blacktip and spinner, bull sharks); research (sandbars, porbeagle); pelagics (shortfin mako, thresher); and SCS (Atlantic sharpnose, bonnethead and finetooth) should be included.
 - Mixed views (“gray” area species) regarding whether hammerheads, lemon, and tiger sharks should be included.
 - Prohibited list stands as is.
 - Criteria for determining allowable/prioritized species:
 - Biological Productivity (growth rate and fecundity)
 - Stock Status
 - Economic viability
 - For other species, several ideas discussed (*i.e.*, allow retention if observer on board). More discussion needed on that point. Consider catch-and-release for all recreational fishermen for sharks considered to be in “gray” area.
 - Possibility that quota could be increased by separating out “gray” area species and then direct fishery to avoid those species.
- In discussion of all quotas (even commercial only), do not lose sight of recreational fishery needs. Among ideas discussed: examine whether 54-inch size limit is appropriate across entire range of available species and what the impacts of the quota would be.
- Look at the Fishery Management Council scientific advisory process to specifically address species that were designated as an unknown status.
- Need to address how state catches affect federal quotas (Louisiana).
- Need better data to support re-evaluation of quotas.
- Consider the timeline for making wholesale changes to management scheme given upcoming assessments.

Permit Stacking Summary:

- Support voiced for permit stacking.
- Economical to put multiple permits on one vessel.
 - Allow permits you already own to be stacked.
 - Concern about allowing people to buy other available permits to stack.
- Safety issue.
- Quota will go faster.
- Only allow two permits to be stacked.
- Handling latent permits.
 - Need to buy two permits to be able to stack one permit.
 - Need to define what is a latent permit.
 - NMFS should buy all latent permits.
- Do not allow stacking of incidental permits.
- Still need to work on last two questions on permit stacking slide.

Use or Lose:

- Similar issues under handling latent permits under permit stacking.
- Could support it depending on what years are being used to qualify as 'latent'.
- Create a permit pool.
- Exempt tri-pack from use or lose it.

13.0 BLUEFIN TUNA WORKING GROUP (Concurrent with shark session)

Mark Murray-Brown and Sarah McLaughlin from the HMS Management Division gave a presentation on potential management options being considered by the agency for the Atlantic BFT fishery. The presentation focused on the 2010 recreational BFT bag limit and fishery, 2011 BFT quota specifications, current issues regarding PLL BFT interactions, and in-season management of the 2011 recreational fishery. Their presentation was followed by a brief overview of the BFT assessment by Guillermo Diaz from the Office of Science and Technology. Based on the presentation and the Working Groups' subsequent discussion, participants summarize their comments based on these four questions:

- **What comments and feedback do you have on the 2010 recreational BFT tuna bag limit and fishery?**
 - Season did not go as planned; very limited harvest in lower slot limit (27-47"); availability of upper slot limit (47-59") fish decreased over the season; slot limit hurt charters.
 - 2010 limit accomplished goal of limiting landings to available quota.
 - Greater availability of 73".
 - Higher bag limits helped charter boat captain's book trips.
 - Potential improvements in engaging/notifying state agency counterparts and distribution of informational brochures to the public as areas for improvement.
 - Seek angler input on revision of careful catch brochure.
 - Definitive recreational landings information should be provided.
 - Generalized misunderstanding about driver and motivation for the slot limit .
 - Request to share preliminary data soon (data was shared at end of session).
 - Use NC catches as an early barometer in 2011.
- **What ideas do you have to change the preparation of quota specifications for 2011 onward?**
 - Reallocate unused quotas from purse seine vessels (in season transfer and potentially in longer term).
 - Renegotiate ICCAT rollover percentage of TAC back to a higher percentage.
- **What more can we do to further reduce PLL and BFT interactions**

- Examine spatial/temporal data at a finer scale for potential “move-on” rules or dynamic area closures.
 - Employ multiple options and establish a mid-year check-in point.
 - Expand experimental weak hook program in and beyond the Gulf of Mexico.
 - Adopt mandatory weak hook regulations for the Gulf of Mexico.
 - Contact weak hook manufacturers to alert them to pending actions.
 - Establish BFT bycatch caps for PLL by area (NED, North, South).
 - Time/area closure in Gulf of Mexico.
- **Advice for in-season management of the 2011 recreational fishery**
 - Be mindful of the default daily bag limit going back into effect January 1 (1 BFT 27-73”).
 - Hold AP meeting earlier next year; have conversation with AP about 2011 season/bag limits (conference call).

14.0 SHARK 2011 SPECIFICATIONS PROPOSED RULE PUBLIC HEARING

Guy Dubeck from the HMS Management Division presented an overview on the 2011 shark specifications and adaptive management measures for the Atlantic shark fishery. This presentation included background information and alternatives to the proposed rule, as well as application requirements to the 2011 shark research fishery. Comments from the public included:

General:

- NMFS should consider extending the fishing season and allow for more quota to be caught by federally permitted fishermen.
- NMFS should not consider lowering the trip limit to extend the fishing season.
- NMFS needs to consider biennial quotas again.
- NMFS should consider specific fishing days such as allowing fishermen to fish only on Monday, Wednesday, and Fridays.
- Would NMFS start out with 33 sharks / trip and then reduce it?
- NMFS needs to revisit their demersal list.
- NMFS needs to ensure timely reporting from every shark dealer.
- NMFS should have electronic reporting in order to stop the lag time in reporting.
- NMFS should not consider earlier openings because of the pupping closures.
- NMFS needs to take into account the few individuals in the shark fishery when developing policies.
- Would electronic reporting still require the fishery shutting down when the quota reached 80%?
- NMFS should consider the impact of lower trip limit on fishing operations.

Gulf of Mexico (GOM) comments:

- NMFS should re-consider public hearings in Louisiana when there is only one federally permitted fisherman in that state.

- NMFS should address the illegal fishing in federal waters by Louisiana fishermen as it is an enforcement issue.
- NMFS needs to considering opening the fishing season in the GOM on March 1 in order to allow Louisiana fishermen ample time to fish.
- NMFS should open the GOM on March 1.
- NMFS should consider opening federal water for fishing during pupping season, specifically from April to June.

Atlantic (ATL) comments:

- NMFS should consider opening in January or April, May, and June, as there is not fishing that occurs in Florida after July.
- NMFS should consider regional quotas for the Atlantic, with Florida and North Carolina each having 50 percent of the quota.
- Would North Carolina start with a reduced trip limit?
- NMFS needs to consider opportunities to fish all up and down the eastern seaboard and not solely in North Carolina and Florida.
- NMFS should consider lowering the trip limits when the quota hits 40 percent in order to ensure there would be quota left at the latter part of the season.
- NMFS should consider a January 1 opening and fishing on PLL gear in the closed area during this time.
- NMFS should consider increasing the trip limit on July 15th and then dropping the trip limit to zero once you hit 40 percent of the quota.
- NMFS should be aware that few individuals eat shark on July 4.
- NMFS should consider a brief January opening in order to spread the opening of different fisheries (i.e., tilefish, king fish).
- NMFS needs to address ways to prevent the blacknose quota from holding up the rest of the small coastal shark fishery quota.
- NMFS needs to help keep the non-blacknose fisheries open.
- NMFS needs to look at blacknose landings per port on a monthly basis in order to determine who is catching most blacknose sharks.

15.0 UPDATE ON PROTECTED SPECIES SAFE HANDLING AND RELEASE & SHARK IDENTIFICATION WORKSHOPS

Rick A. Pearson of the HMS Management Division gave a presentation on the background, implementation, and future modifications to the workshop curriculum in order to further reduce bycatch and bycatch mortality. Comments from the AP included:

- Is there a possibility of having a “Train the Trainer” program?
- NMFS should consider getting shark identification workshops out to the recreational fishery.
- NMFS should consider working with the states to carry out state-level outreach.
- NMFS should consider a three-year cycle for compliance guides.

- NMFS should consider a simpler way of renewing permits.
- NMFS should consider using hand-filled out forms, electronic etc., after three years when individuals are more experienced.
- NMFS needs to conserve the fishing industry while keeping it sustainable.
- NMFS needs to recognize the fisheries as an economic resource for the country, an asset.

16.0 NATIONAL POLICY FOR THE STEWARDSHIP OF THE OCEAN COASTS AND GREAT LAKES PRESENTATION

Samuel Rauch, Deputy Assistant Administrator for Regulatory Programs for NMFS, presented an overview of the new National Ocean Policy, including background information on the policy and implementation of coastal marine spatial planning. Comments from the AP included:

- The Fishery Management Councils have a problem with their AP meeting frequency. Some Council APs have not met in more than five years. It takes a lot of strong comments to get them to meet.
- NMFS needs to have a minimum standard for efficacy with a requirement for field science.
- When a Fishery Management Plan or Amendments happen, NMFS needs to consider and minimize economic impacts to the fishing communities.
- NMFS should include the recreational and commercial industry in the Gulf of Mexico where fishing and boating are important.
- NMFS needs to support and fund researchers who provide stock assessments and best available science to make management decisions.

17.0 HMS ADVISORY PANEL PRIORITIES AND NEXT STEPS

Margo Schulze-Haugen, Chief, of the HMS Management Division gave an overview of issues discussed in the Working Group sessions, and HMS priorities and next steps. The presentation was followed by a discussion on changes to the frequency and structure of the current AP meetings. Comments from the AP included:

Review

- **Recreational Monitoring**
 - Do not fix catch cards, they are working
 - Keep reporting options simple
 - Make things more voluntary
 - Keep tagging system universal
 - Continue catch cards. Talk with more states and see who is willing to help out
- **Vessel Monitoring Systems**

- There is a lot of interest
- There are a number of concerns to work through
- Need outreach session or sessions
 - Work on costs and operations
 - Look for people to reach out to and places to go
 - Consider reimbursement
- **Swordfish**
 - Work on squid trawl rule
 - Work on the outreach message
 - Consider FishWatch to present outreach material
 - Work on terminology. Terminology might not be right, but feedback is important
 - Promote success stories
 - Consider handgear expansion
 - Consider mixed comments on upgrading
- **Bycatch Reduction**
 - Support for pilot feasibility study. See if people are interested
 - Access to closed areas
- **Shark Fish Working Group**
 - Focus on species that people rely on
 - Need more quota
 - Support for permit stacking
 - Need people thinking through what permit stacking would mean, look like, and ways to design it
- **BFT**
 - Incorporate angler input on catch to shore
 - Consider 2011 suggestions and reallocation
 - Consider bycatch caps and details in how it would work with BFT

Priorities

- Briefly touched on reporting catch by telephone. There are too many elements. NMFS needs to evaluate.
- NMFS needs to keep billfish bycatch on the radar.
- Gulf of Mexico and longline bycatch needs to be assessed.
- NMFS needs to follow through with exploring trade sanctions with countries that are conducting illegal fishing. The Atlantic HMS Management Division may not be directly responsible for it, but the office needs to put pressure on the responsible parties.
- NMFS needs to look back at the Grand Banks BFT fishery and revise its policy.

Next steps

- Shark fishery workshops

- ICCAT
- Advisory Panel nominations
- SEDAR nominations
- BFT status review is underway
- 2010SAFE report will be coming out

Feedback on NMFS having additional AP meetings

- NMFS should consider conference calls
- NMFS should consider both conference calls and webinar for specific group meetings.
- When is the final draft and when would we need to submit comments?
- NMFS should be aware that providing public notice for meetings would be really important, even through the telephone.
- NMFS may need to consider way to ask questions in an orderly way.
- NMFS needs to make meetings topic-specific.

Working Groups

- NMFS should consider splitting working groups into categories.
- NMFS needs to set up a swordfish subgroup as soon as possible.
- NMFS should allow core people who have a priority in the issue being discussed to speak first.
- Who would NMFS invite to these working groups?
- NMFS should consider a process similar to the session format of the Mid-Atlantic Fishery Management Council.
- NMFS should consider breaking swordfish revitalization issues into different regions, with each region providing feedback on the matter.
- NMFS should consider having more than one conference call.
- NMFS should consider having small groups meet and then present to a bigger conference call, thereby allowing the process to be more structured and organized.
- NMFS may consider limiting the number of call-in's or comments.
- NMFS should consider web-based calls or instant polling.